

REMARKS

The Office Action of October 14, 2009, has been carefully studied. Claims 1-3 and 6-11 currently appear in this application. These claims define novel and unobvious subject matter under Sections 102 and 103 of 35 U.S.C., and therefore should be allowed. Applicant respectfully requests favorable reconsideration and formal allowance of the claims.

Claim Amendments

Claim 1 has been amended to recite that R² is selected from the group consisting of hydrogen, a C₁-C₆ alkyl group which is substituted with one or more halogen atoms, and a C₁-C₆ alkoxy group which is substituted with one or more halogen atoms.

Art Rejections

Claims 1 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cirillo et al, WO 2003/032989 in view of Miller et al., WO 1999/32436.

This rejection is respectfully traversed. Claim 1 has been amended so as not to include the compound species the Examiner has indicated are structurally related to the compounds of Cirillo. Miller teaches structurally related urea compounds in which R² can be phenyl or naphthyl, which have been excluded from amended claim 1. It is respectfully submitted that the amendment to claim 1 makes this rejection moot.

The compounds recited in claim 1 are further differentiated from those of Cirillo in the indispensable substituent R² on the phenyl ring. Therefore, it is respectfully submitted that the presently claimed compounds are not obvious over Cirillo in view of Miller.

Claims 2, 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cirillo in view of Miller and further in view of Curtin et al., *Bioorg Med Chem Lett* **14**: 4505-4509, 2004.

This rejection is respectfully traversed.

Submitted herewith is an English translation of Japanese Patent Applications Nos. 2004-048307 and 2004-24856, which are the priority documents for the present application. Since Curtin was published after the filing of these priority documents, it is respectfully submitted that Curtin is not a valid reference. As it is clear that the combination of Cirillo and Miller does not render the claimed compounds obvious, withdrawal of this rejection is respectfully requested.

In view of the above, it is respectfully submitted that the claims are now in condition for allowance, and favorable action thereon is earnestly solicited.

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Respectfully submitted,

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